

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Supporting Survivors of Domestic and Sexual	)	WC Docket No. 22-238
Violence	)	
	)	
	)	

**COMMENTS OF THE ALLIANCE FOR AUTOMOTIVE INNOVATION**

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**COMMENTS OF THE ALLIANCE FOR AUTOMOTIVE INNOVATION**

The Alliance for Automotive Innovation (“Auto Innovators”),<sup>1</sup> which represents the automotive ecosystem in the United States, including automakers, suppliers, and technology companies, hereby submits these comments on the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding.<sup>2</sup> Safety is a cornerstone of the automotive industry and serves as a driving factor in automotive innovation and design. Consistent with that ethos, Auto Innovators understands the importance of protecting survivors of domestic violence from their abusers and is troubled by the potential and unacceptable abuse of connected vehicle services to stalk or harass domestic violence survivors.

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<sup>1</sup> Auto Innovators is the singular, authoritative, and respected voice of the automotive industry. Focused on creating a safe and transformative path for personal mobility, Auto Innovators represents the manufacturers that produce nearly 98 percent of cars and light trucks sold in the United States. Members of Auto Innovators also include original equipment suppliers, technology companies, and others within the automotive ecosystem. The automotive industry is the nation’s largest manufacturing sector and contributes \$1.1 trillion to the United States economy and represents approximately 5.5 percent of the country’s GDP. As a significant engine for our nation’s economy, the automotive sector is responsible for nearly 10 million jobs and \$650 billion in paychecks.

<sup>2</sup> *Supporting Survivors of Domestic and Sexual Violence*, WC Docket No. 22-238, Further Notice of Proposed Rulemaking, FCC 24-38 (rel. Apr. 8, 2024) (“FNPRM”).

## **I. INTRODUCTION AND SUMMARY**

Auto Innovators has proposed legislation applicable to automotive original equipment manufacturers (“OEMs”) that could complement the Safe Connections Act (“SCA”)<sup>3</sup> and the SCA Order,<sup>4</sup> in furtherance of the auto industry’s commitment to prevent misuse of vehicle connectivity services. Indeed, these services are intended to increase consumer convenience, entertainment, and safety. And while the legislation proposed by Auto Innovators and its members demonstrates the industry’s dedication to protecting the privacy and security of customers and drivers—including survivors of domestic violence—neither the SCA, nor the FCC’s implementing rules, apply to automakers. Accordingly, the Commission should support the Auto Innovators’ legislative proposal rather than attempt to contort the SCA in a manner that would allow the agency to regulate connected vehicle services.

## **II. AUTO INNOVATORS IS COMMITTED TO WORKING WITH THE COMMISSION TO PREVENT THE UNACCEPTABLE MISUSE OF CONNECTED VEHICLE SERVICES BY ABUSERS.**

The FCC should support Auto Innovators’ legislative proposal, which would further the Commission’s goal of protecting domestic violence survivors. The FNPRM asks what steps providers of connected vehicle services can take to prevent the misuse of such services in domestic violence situations.<sup>5</sup> Although, as explained further below, automotive OEMs are not subject to the SCA, Auto Innovators and its members are committed to protecting survivors of domestic violence from abusers and are concerned about the unacceptable misuse of connected

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<sup>3</sup> Safe Connections Act of 2022, Pub. L. No. 117-223, 136 Stat. 2280 (“SCA”).

<sup>4</sup> *Supporting Survivors of Domestic and Sexual Violence; Lifeline and Link Up Reform Modernization; Affordable Connectivity Program*, WC Docket Nos. 22-238, 11-42, 21-450, Report and Order, FCC 23-96 (rel. Nov. 16, 2023) (“SCA Order”).

<sup>5</sup> FNPRM ¶ 22.

vehicle services by abusers to stalk or harass domestic violence victims.<sup>6</sup> In furtherance of that commitment, Auto Innovators shared with the Commission a legislative proposal intended to complement the SCA. That proposal is appended to these comments as **Attachment A**.

The proposal, which has been shared with leaders in Congress, including Senator Brian Schatz (D-HI), Representative Debbie Dingell (D-MI), and others, is specifically focused on ensuring that domestic violence survivors can quickly terminate or disable an abuser’s access to such services, even if the abuser is the account holder of the connected vehicle service.<sup>7</sup>

Specifically, the proposed legislation would allow domestic violence survivors to make a request to prevent misuse of connected vehicle services by providing certain information to automotive OEMs and/or connected vehicle service providers.<sup>8</sup> After receiving a connected vehicle service request from a domestic violence survivor, the proposed legislation would require automakers to, “[n]otwithstanding an abuser being an account holder . . . terminate or disable a covered connected vehicle service account [or connected vehicle services for the covered vehicle] . . . .”<sup>9</sup>

Additionally, the proposed legislation requires automakers to provide this service to domestic violence survivors at no cost.<sup>10</sup> If adopted, the proposal would require compliance “no later than six months after the date of enactment.”<sup>11</sup>

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<sup>6</sup> Letter from Hilary M. Cain, Senior Vice President, Policy, Alliance for Automotive Innovation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-238, at 1 (filed Apr. 12, 2024) (“Auto Innovators April 12 *Ex Parte*”).

<sup>7</sup> *Id.* at 1.

<sup>8</sup> Attachment A, § 3.

<sup>9</sup> *Id.* § 4(a).

<sup>10</sup> *Id.* § 4(b).

<sup>11</sup> *Id.* § 5(a)(2).

While protecting domestic violence survivors, the legislative proposal is designed for the automotive sale and leasing environment. The FNPRM asks if there are any risks that would arise if companies were to allow users other than the owner or lessee to disable any connected car services.<sup>12</sup> The legislative proposal addresses the legal risks that OEMs face when the party requesting termination of connected car services or a connected car account is not the vehicle owner or lessee.<sup>13</sup>

Auto Innovators and its members are committed to working with Congress, the Commission, domestic violence organizations, and other stakeholders to address the unacceptable abuse of connected vehicle services that are intended to make the consumer driving experience safer, more entertaining, and more efficient. The FNPRM asks what steps the Commission could take to help prevent the misuse of connected car services and what steps the Commission can take to encourage providers and OEMs to take steps to protect domestic violence survivors.<sup>14</sup> The attached legislative proposal includes concrete requirements for automotive OEMs that could help to accomplish this goal. The FCC should support the legislative proposal and its advancement.

### **III. AUTOMOTIVE OEMS OFFER A WIDE RANGE OF WIRELESS PROVIDER-ENABLED CONNECTED CAR SERVICES THAT ARE DESIGNED TO INCREASE CONSUMER CONVENIENCE AND SAFETY.**

#### **A. Automakers Prioritize the Privacy and Security of Customers and Drivers.**

Auto Innovators and its members believe that consumer privacy and safety are fundamental tenets of the automotive industry and must serve as a driving factor in automotive

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<sup>12</sup> FNPRM ¶ 22.

<sup>13</sup> *See, e.g.*, Attachment A, § 4.

<sup>14</sup> FNPRM ¶¶ 21-22.

innovation and design. Indeed, Auto Innovators' *Consumer Privacy Protection Principles for Vehicle Technologies and Services* ("Principles") has been signed by nearly every major automotive OEM.<sup>15</sup> The Principles commit that the signatories will: (1) provide customers with "clear, meaningful information about the types of information collected and how it is used"; and (2) obtain affirmative consent "before using geolocation, biometric, or driver behavior information for marketing and before sharing such information with unaffiliated third parties for their own use."<sup>16</sup> Consistent with the Principles, Auto Innovators and its members understand the importance of protecting survivors of domestic violence from their abusers.

Accordingly, automakers take various steps aimed at preventing misuse of connected vehicle capabilities to stalk or harass domestic violence survivors. They also have procedures in place to protect the privacy and security of vehicle-generated data.

**B. Automakers Partner with Wireless Providers and Telematics Companies to Provide Connected Car Services.**

OEMs work with wireless providers and telematics companies to bring consumers connected car services. The FNPRM seeks comment on the Commission's understanding of how connected car services are provisioned.<sup>17</sup> As the automaker responses to Chairwoman Rosenworcel's January 11 letter demonstrate,<sup>18</sup> automakers work with both wireless providers

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<sup>15</sup> Consumer Privacy Protection Principles: Privacy Principles for Vehicle Technologies and Services, Alliance for Automotive Innovation, Inc. (Nov. 12, 2014), [https://www.autosinnovate.org/innovation/Automotive%20Privacy/Consumer\\_Privacy\\_Principle\\_sfor\\_VehicleTechnologies\\_Services-03-21-19.pdf](https://www.autosinnovate.org/innovation/Automotive%20Privacy/Consumer_Privacy_Principle_sfor_VehicleTechnologies_Services-03-21-19.pdf).

<sup>16</sup> *Automotive Privacy*, Alliance for Automotive Innovation, <https://www.autosinnovate.org/privacy> (last visited May 20, 2024).

<sup>17</sup> FNPRM ¶ 11-12.

<sup>18</sup> Press Release, FCC Chairwoman Calls on Carmakers and Wireless Companies to Help Ensure the Independence and Safety of Domestic Violence Survivors, FCC (rel. Jan. 11, 2024), <https://docs.fcc.gov/public/attachments/DOC-399700A1.pdf>.

and telematics companies to offer certain connected car services to consumers.<sup>19</sup> Consumers may also enter into direct vehicle subscription agreements with a wireless provider to obtain in-vehicle Wi-Fi services.<sup>20</sup> Additionally, recent model year vehicles include connected safety, security, and convenience features for consumers.<sup>21</sup> Although wireless providers typically assign unique phone numbers to vehicle telematics systems, such systems are not configured to connect to the Public Switched Telephone Network (“PSTN”) and are not configured to allow customers to make or receive calls, send or receive messages, or directly transfer data to other parties.<sup>22</sup>

Instead, the ability to engage in voice or data communications through vehicles is limited to a discrete set of communications types, and typically following an automatic collision notification.<sup>23</sup> Automakers also offer a variety of connected mobile apps that allow consumers to manage connected car features.<sup>24</sup>

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<sup>19</sup> See, e.g., Letter from Christopher A. Smith, Chief Government Affairs Officer, Ford Motor Company, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 1 (filed Feb. 2, 2024) (“Ford Letter”).

<sup>20</sup> See, e.g., Letter from Jennifer Thomas, Vice President, Corporate Affairs, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 3 (filed Jan. 26, 2024) (“Honda Letter”).

<sup>21</sup> See, e.g., Letter from Angela E. Giancarlo, Counsel for Toyota Motor North America, Inc., to The Honorable Jessica Rosenworcel, FCC, WC Docket No. 22-238, at 3 (filed Jan. 26, 2024) (“Toyota Letter”).

<sup>22</sup> See, e.g., Toyota Letter at 5; Letter from Jake Jones, Vice President of External Affairs, Mercedes-Benz North America, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 2 (filed Jan. 26, 2024) (“Mercedes-Benz Letter”).

<sup>23</sup> Honda Letter at 3; Toyota Letter at 5.

<sup>24</sup> See Ford Letter at 1-2 (“For customers who choose to download our vehicle smartphone apps, *FordPass* or *Lincoln Way*, vehicle connectivity enables desired app features such as Remote Lock/Unlock and Remote Start/Stop. Vehicle connectivity can also help customers who choose to connect their phones to equipped Ford and Lincoln vehicles and enable the 911 Assist feature, where a call can be made from the consumer’s phone directly to the local emergency services provider (known as a public safety answering point, or PSAP) after certain triggering events, such as airbag deployment or other indications of a vehicle crash.”); Letter from Robert R. Hood, Vice President of Government Affairs, Hyundai Motor, to The Honorable Jessica Rosenworcel,

**C. Connected Car Capabilities Offer Enhanced Consumer Convenience, Entertainment, and Safety.**

Automotive OEMs, wireless providers, and telematics companies across the industry are offering cutting edge connected car applications and systems that not only make vehicles more enjoyable to drive, but also make them safer. Indeed, connected vehicle applications: enable navigation services and vehicle health alerts; deliver information about battery level and charging status; identify locations of nearby charging stations for electric vehicles; provide remote vehicle operations, such as remote operation of locking and unlocking systems, lights, engine start, cabin climate cooling and heating, and horn function; and facilitate vehicle locator, valet mode, and geofencing capabilities.<sup>25</sup> Other convenience features include in-vehicle Wi-Fi hotspots as well as in-vehicle entertainment apps such as SiriusXM, Spotify, and other infotainment.<sup>26</sup>

More importantly, however, connected car services are also making the driving experience safer by detecting crashes and alerting authorities, tracking stolen vehicles, and providing roadside assistance to drivers. For example:

- Ford’s vehicles can help customers who choose to connect their phones to use the 911 Assist feature, which allows a call to be made from the consumer’s phone directly to the

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Chairwoman, FCC, WC Docket No. 22-238, at 1 (filed Jan. 26, 2024) (“Hyundai Letter”) (“Hyundai vehicles equipped with Bluelink® include a telematics module (with 4G LTE connectivity for current models) and other in-vehicle technologies and services that may generate and transmit vehicle data. As part of the vehicle purchase process, owners and lessees can choose whether or not to enroll a vehicle in Bluelink connected services.”); Honda Letter at 2 (“Honda’s in-house applications (‘HondaLink’ and ‘AcuraLink’) on current vehicles (on sale as of January 2024) and planned models require the owner of the vehicle to opt into the service and have a current agreement for location data collection. Only then will the system provide historic location data.”).

<sup>25</sup> Ford Letter at 1; Hyundai Letter at 1; Honda Letter at 2.

<sup>26</sup> Letter from The Honorable David Strickland, Vice President, Global Regulatory Affairs and Transportation Technology Policy, General Motors, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 3 (filed Jan. 26, 2024) (“GM Letter”).

local emergency services provider after certain triggering events, such as airbag deployment or other indications of a vehicle crash.<sup>27</sup>

- Hyundai allows drivers to obtain emergency assistance from the vehicle by pushing the SOS button “24x7, 365 days per year.”<sup>28</sup>
- While real-time tracking is not currently available on Honda or Acura vehicles via the consumer-facing application, real-time location data may be made available “to aid in stolen vehicle recovery or other exigent circumstances.”<sup>29</sup>
- Subscribers to Toyota’s Safety Connect feature can request emergency services through an “SOS Button” in certain vehicles.<sup>30</sup> Safety Connect also includes an automatic collision notification feature, “which will notify the response center in the event of an airbag deployment or severe rear-end collision.”<sup>31</sup>
- Current model year Mercedes-Benz vehicles are equipped with eCall, which can help reduce the time between a crash and the arrival of emergency services.<sup>32</sup>
- Through OnStar Safety & Security, GM offers a variety of safety and security services, including automatic crash response services, roadside assistance, stolen vehicle assistance, and emergency services.<sup>33</sup> Drivers can also request OnStar Emergency Services from within the vehicle by pushing the red SOS button; advisors are available on a 24/7 basis.<sup>34</sup>

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<sup>27</sup> Ford Letter at 1-2.

<sup>28</sup> See Hyundai Letter at 2 (“A trained Bluelink operator will come on the line and ask about the nature of the emergency and then dispatch the appropriate emergency assistance to the scene. If the driver is unable to answer, the operator will advise that emergency assistance has been notified and is on the way. The operator will remain on the line until help arrives.”).

<sup>29</sup> Honda Letter at 2.

<sup>30</sup> Toyota Letter at 4.

<sup>31</sup> *Id.*

<sup>32</sup> Mercedes-Benz Letter at 1.

<sup>33</sup> GM Letter at 3.

<sup>34</sup> *Id.*; see also Letter from Tracy Woodard, Director, Government Affairs, Nissan North America, Inc., to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 2 (filed Jan. 26, 2024) (“Nissan Letter”) (“NissanConnect and INFINITI InTouch subscribers also have access to Response Specialists during emergency situations. For example, in the event of an accident, Automatic Collision Notification will connect the driver through a hands-free voice call to a live Response Specialist that can direct emergency services to the vehicle’s location. For non-accident emergencies, drivers or passengers can press the SOS button in the vehicle to be connected through a hands-free voice call to live Response Specialists – 24 hours a day, 7 days a week.”).

#### **IV. THE SCA DOES NOT APPLY TO AUTOMAKERS OR THEIR CONNECTED VEHICLE OFFERINGS.**

##### **A. Automotive OEMs Are Not “Covered Providers” Under the SCA.**

The SCA does not implicate automotive OEMs. The FNPRM seeks comment on whether the SCA and the Commission’s implementing rules apply to connected car services.<sup>35</sup> While the automotive industry appreciates the opportunity to address driver privacy and safety issues with the Commission in this proceeding, the SCA is inapplicable to connected vehicle offerings.

The definitions used in the SCA and the Commission’s implementing rules do not implicate connected vehicle offerings or automakers. The SCA defines a “covered provider” as “a provider of a private mobile service or commercial mobile service, as those terms are defined in section 332(d) [of the Communications Act].”<sup>36</sup> Section 332(d) of the Communications Act, in turn, defines a “commercial mobile service” as “any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public . . . .”<sup>37</sup> And “private mobile service” is defined as “any mobile service . . . that is not a commercial mobile service or the functional equivalent of a commercial mobile

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<sup>35</sup> FNPRM ¶¶ 14-20.

<sup>36</sup> 47 U.S.C. § 345(a)(3).

<sup>37</sup> *Id.* § 332(d)(1). “Mobile service” is defined as “a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (A) both one-way and two-way radio communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any service for which a license is required in a personal communications service. . . .”. *Id.* § 153(33). “Interconnected service” is defined as “service that is interconnected with the public switched network. . . .” *Id.* § 332(d)(2).

service . . . .”<sup>38</sup> As Auto Innovators explained during meetings with Commission staff, the connectivity capability that supports connected vehicle services is enabled by wireless service providers—not automakers themselves.<sup>39</sup>

OEMs are not resellers that would be covered by the SCA. The FNPRM also asks about the extent to which automotive OEMs are “reselling mobile connectivity when providing connected car services[.]”<sup>40</sup> In the SCA Order, the Commission clarified that the SCA applies to resellers of mobile connectivity, or mobile virtual network operators (“MVNOs”).<sup>41</sup> But, generally, automotive OEMs do not operate as MVNOs because they do not operate mobile networks. Moreover, connected car applications are not connected to the PSTN, and instead permit limited emergency communications.<sup>42</sup> Accordingly, as explained throughout the docket, automakers are not MVNOs.<sup>43</sup>

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<sup>38</sup> *Id.* § 332(d)(3).

<sup>39</sup> Letter from Hilary M. Cain, Senior Vice President, Policy, Alliance for Automotive Innovation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-238, at 2 (filed Mar. 8, 2024) (“Auto Innovators March 8 *Ex Parte*”).

<sup>40</sup> FNPRM ¶ 18.

<sup>41</sup> *Supporting Survivors of Domestic and Sexual Violence et al.*, WC Docket No. 22-238, Report and Order, FCC 23-96, ¶ 18 (Nov. 16, 2023) (“*Safe Connections Act Report and Order*”).

<sup>42</sup> Letter from Hilary Cain, Senior Vice President, Policy, Alliance for Automotive Innovation, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 1-2 (filed Jan. 26, 2024) (“Auto Innovators January 26 Letter”).

<sup>43</sup> *See, e.g.*, Ford Letter at 1 (“We do not use a mobile virtual network operator. While all modems are assigned a phone number by the carrier that is unique to the vehicle, this number is not available to the customer and all phone calls and text messages are blocked.”); Honda Letter at 4 (“Neither Honda, nor any related company, operates as a mobile virtual network operator or any other form of communications provider.”); Toyota Letter at 6 (“Toyota does not provide communications services to its customers. The company provides a limited SOS functionality but does not provide a service through which its customers may make voice calls, send texts, transfer data, or otherwise communicate with third parties. Given that Toyota neither offers nor provides commercial mobile telecommunications services, Toyota is not an MVNO.”); Mercedes-Benz Letter at 2 (“Finally, MBUSA concurs with the Alliance for Automotive Innovation’s January 26 letter to the FCC that MBUSA and other automakers do not furnish the

**B. Connected Vehicle Services Are Not Provided Through “Shared Mobile Service Contracts.”**

The SCA does not apply to contracts for connected mobile vehicle service. As the FNPRM notes,<sup>44</sup> the SCA applies to “shared mobile service contracts,” and creates specific obligations for companies with respect to such contracts.<sup>45</sup> However, connected vehicle services offered by automakers are not provided pursuant to such contracts. The statute defines a “shared mobile service contract” as “a mobile service contract for an account that includes not less than 2 consumers; and . . . does not include enterprise services offered by a covered provider.”<sup>46</sup> The Commission’s rules implementing the SCA provide that a “shared mobile service contract” means “a mobile service contract for an account that includes not less than two lines of service” and defines “lines of service” to mean those lines associated with a telephone number.<sup>47</sup> Vehicles with connected car services only have a single line to support such services, and that line is provided through a telematics control unit (“TCU”). Accordingly, OEM contracts with customers are not “shared mobile service contracts” under the Commission’s rules, and the

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specific types of services that are subject to the Safe Connections Act.”); GM Letter at 3 (“While each vehicle is assigned to a unique phone number by AT&T, that number cannot be used for voice calls directly to or from the vehicle.”); Nissan Letter at 2 (“NNA does not currently operate as a mobile virtual network operator or communications provider. NNA relies on AT&T, as a mobile network operator, to provide the in-vehicle, wireless connectivity used to operate connected car services.”); Letter from Shane Karr, Senior Vice President, Public Affairs North America, Stellantis North America, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 1 (“For a connected vehicle with an active connected services agreement, AT&T provides access to cellular networks and assigns the vehicle a unique phone number. AT&T also offers a data plan for connected vehicles equipped with a Wi-Fi hotspot. We do not operate as a mobile virtual network operator.”).

<sup>44</sup> FNPRM ¶ 19.

<sup>45</sup> See generally 47 U.S.C. §§ 345(b)-(c).

<sup>46</sup> *Id.* § 345(a)(5).

<sup>47</sup> 47 C.F.R. § 64.6400(k).

SCA's requirement to separate lines of service at survivors' requests is an impossibility in the connected vehicle service context.<sup>48</sup>

**C. Automakers Do Not Maintain Call Records and Cannot Produce Customer-Facing Call Logs.**

As Auto Innovators has explained in meetings with Commission staff, the SCA was drafted with the specific purpose of protecting the ability of a domestic violence survivor to separate their *mobile phone lines* from a wireless phone plan shared with an abuser.<sup>49</sup> The SCA's privacy requirements further illustrate this. For example, the SCA requires the Commission to adopt rules requiring covered providers to omit calls or text messages to domestic abuse hotlines from customer-facing call records, and to maintain internal records of such omissions.<sup>50</sup> Automotive OEMs do not maintain call records, and they do not provide customer-facing call logs, so it would be impossible for them to comply with this requirement. These rules are specifically crafted for phone lines, and their inapplicability to connected car services further demonstrates that the SCA was not intended to apply beyond mobile phone services.<sup>51</sup>

**V. CONCLUSION**

Auto Innovators appreciates working with the Commission to address the potential and unacceptable abuse of connected vehicle services to harm domestic violence survivors. The automotive industry takes driver privacy and safety seriously, and Auto Innovators applauds the Commission for swiftly implementing the SCA. Since the SCA does not apply to automotive

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<sup>48</sup> Auto Innovators March 8 *Ex Parte* at 2.

<sup>49</sup> *Id.* at 1-2.

<sup>50</sup> See Safe Connections Act of 2022, Pub. L. No. 117-223, § 5(b)(3), 136 Stat. 2280; *accord* 47 C.F.R. § 64.6408 (implementing same).

<sup>51</sup> FNPRM ¶¶ 14-20.

manufacturers, the Commission should instead support the Auto Innovators' proposed draft legislation that would complement the SCA. Auto Innovators looks forward to collaborating with the Commission, Congress, and other stakeholders to keep domestic abuse survivors safe.

Respectfully submitted,

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**ATTACHMENT A**

## SECTION 1. DEFINITIONS.

(a) **ABUSER.** – The term “abuser” means an individual identified by a survivor pursuant to section 3 who has committed or allegedly committed a covered act against a survivor making a connected vehicle services request.

(b) **ACCOUNT HOLDER.** – The term “account holder” means an individual who is –

(1) a party to a contract with a covered provider that involves a connected vehicle service; or

(2) a subscriber, customer, or registered user of a connected service.

(c) **CONNECTED VEHICLE SERVICE.** – The term “connected vehicle service” means any capability provided by or on behalf of a motor vehicle manufacturer that enables a person to remotely obtain data from or send commands to a covered vehicle, which may be accomplished through a software application that is designed to be operated on a mobile device.

(d) **CONNECTED VEHICLE SERVICE REQUEST.** – The term “connected vehicle service request” means a request by a survivor to terminate or disable an abuser’s access to a connected vehicle service.

(e) **COVERED ACT.** –

(1) **IN GENERAL.** – The term ‘covered act’ means conduct that constitutes –

(A) a crime described in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), including domestic violence, dating violence, sexual assault, stalking, and sex trafficking;

(B) an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) (relating to severe forms of trafficking in

persons and sex trafficking, respectively); or

(C) an act under State law, Tribal law, or the Uniform Code of Military Justice that is similar to an offense described in clause (i) or (ii).

(2) **CONVICTION NOT REQUIRED.** – Nothing in paragraph (1) shall be construed to require a criminal conviction or any other determination of a court in order for conduct to constitute a covered act.

(f) **COVERED CONNECTED VEHICLE SERVICE ACCOUNT.** – The term “covered connected vehicle services account” means an account or other means by which a person enrolls in or obtains access to a connected vehicle service.

(g) **COVERED PROVIDER.** – The term ‘covered provider’ means a motor vehicle manufacturer or an entity acting on behalf of the motor vehicle manufacturer that provides a connected vehicle service.

(h) **COVERED VEHICLE.** – The term ‘covered vehicle’ means a motor vehicle without an in-vehicle interface that is the subject of a connected vehicle request and identified by a survivor pursuant to section 3.

(i) **IN-VEHICLE INTERFACE.** – The term “in-vehicle interface” means a feature or mechanism installed in a vehicle that allows a person within the vehicle to terminate or disconnect connected vehicle services.

(j) **SURVIVOR.** – The term “survivor” means an individual who is not less than 18 years old and against whom a covered act has been committed or allegedly committed

## **SECTION 2. PROTECTION OF DOMESTIC VIOLENCE SURVIVORS.**

(a) **IN GENERAL.** – Notwithstanding an abuser being an account holder, not later than 5 business days after receiving a connected vehicle service request from a survivor pursuant to Section 3, a covered provider shall

take one or more of the following actions –

- (1) terminate or disable a covered connected vehicle service account associated with an abuser identified in the connected vehicle service request pursuant to Section 3;
- (2) terminate or disable a covered connected vehicle service account associated with the covered vehicle, including by resetting or deleting any data or wireless connection with respect to the covered vehicle, and provide instructions to the survivor on how to re-establish a connected vehicle service account; or
- (3) terminate or disable covered connected vehicle services for the covered vehicle, including by resetting or deleting any data or wireless connection with respect to the covered vehicle, and provide instructions to the survivor on how to re-establish connected vehicle services.

(b) **LIMITATIONS ON PENALTIES, FEES, AND OTHER REQUIREMENTS.** – A covered provider may not make any action undertaken pursuant to subsection (a) contingent on any requirement other than the requirements under Section 3, including –

- (1) payment of a fee, penalty, or other charge;
- (2) maintaining or extending the term of a connected vehicle service account;
- (3) approval of the change by the account holder, if the account holder is not the survivor; or
- (4) an increase in the rate charged for the connected vehicle service.

(c) **NOTICE TO SURVIVOR.** – If a covered provider intends to provide any formal notice to the abuser regarding any action undertaken pursuant to subsection (a), the covered provider shall notify the survivor of the date on which the covered provider intends to give such notice to the abuser.

(d) TECHNICAL INFEASIBILITY. –

(1) IN GENERAL. – The requirement to effectuate the requested action in subsection (a) shall not apply to a covered provider if the covered provider cannot operationally or technically effectuate the request.

(2) NOTIFICATION. – If a covered provider cannot operationally or technically effectuate the request as described in paragraph (1), the covered provider shall –

(A) notify the survivor who submitted the connected vehicle service request of that infeasibility; and

(B) provide the survivor with information about potential alternatives to making a connected vehicle service request, such as initiating a new connected vehicle service account for the vehicle.

**SECTION 3. CONNECTED VEHICLE SERVICES REQUESTS.**

(a) IN GENERAL. – When making a connected vehicle service request under this Act, the survivor shall provide –

(1) the vehicle identification number of the covered vehicle;

(2) the identity of the abuser subject to the connected vehicle service request; and

(3) either –

(A) proof of sole ownership of the covered vehicle; or

(B) in the case of a vehicle that is owned or co-owned by the abuser–

(i) proof of exclusive legal possession of the vehicle, which may take the form of a court order awarding

possession of the vehicle to the survivor; or

- (ii) in the case of a vehicle that is owned in whole or in part by the abuser, a domestic violence restraining order naming the abuser if the restraining order grants possession of the covered vehicle to the survivor or addresses the abuser's use of a connected vehicle service against the survivor.

(b) CONFIDENTIAL AND SECURE TREATMENT OF PERSONAL INFORMATION. –

(1) IN GENERAL. – A covered provider and any officer, director, employee, vendor, or agent thereof shall treat any information submitted by a survivor under subsection (a) as confidential and securely dispose of the information not later than 90 days after receiving the information.

(2) RULE OF CONSTRUCTION. – Nothing in paragraph (1) shall be construed to prohibit a covered provider from maintaining, for longer than the period specified in that paragraph, a record that verifies that a survivor fulfilled the conditions of a connected vehicle service request under subsection (a).

(3) MINIMUM OBLIGATIONS. – The requirements in this Act shall not prohibit or prevent a covered provider from terminating or disabling an abuser's access to connected vehicle services in emergency situations after receiving a connected vehicle service request.

(c) CHANGES IN OWNERSHIP OR POSSESSION. – The survivor shall take reasonable steps to notify the covered provider of any change in ownership or possession from what was provided under subsection 3(a) when the connected vehicle service request was made that materially impacts the need for action taken by the covered provider under subsection 2(a).

**SECTION 4. LIABILITY PROTECTION.**

(a) IN GENERAL. – A covered provider and any officer, director, employee, vendor, or agent thereof shall not be subject to liability for any claims deriving from an action taken or omission made with respect to compliance with this Act.

**SECTION 5. EFFECTIVE DATE.**

(a) IN GENERAL. – A covered provider –

(1) may comply with this Act beginning on the date of enactment; and

(2) shall comply with this Act no later than six months after the date of enactment.

**SECTION 6. EFFECT ON OTHER LAWS.**

(a) IN GENERAL. – No state or political subdivision of a State may adopt, maintain, enforce, prescribe, or continue in effect any law, regulation, rule, standard, requirement, or other provision having the force and effect of law of any State, or political subdivision of a State, covered by or related to the provisions of this Act, or a rule, regulation or requirement promulgated under this Act.